for whom it was intended. Defendant, acting within the scope of his authority, refused the plaintiff admission to the theater on presentation of this ticket. The plaintiff sues him in tort for maliciously procuring the theater company to break its contract with the plaintiff. *Held*, that the defendant is not liable. *Said* v. *Butt* [1920] 3 K. B. 497.

The doctrine that a person who intentionally causes a man to break his contract with another, whereby damage results, is liable in an action of tort, is generally established. *Lumley* v. *Gye*, 2 E. & B. 216; *Angle* v. *Chicago, etc. Ry. Co.*, 151 U. S. 1. See 31 HARV. L. REV. 1017. The principal case discusses a novel application of this doctrine to facts involving an agent as defendant. See *Said* v. *Butt*, *supra*, 503. There is language in cases wide enough at first blush, to permit such application. See *Quinn* v. *Leatham*, [1901] A. C. 495, 510; *So. Wales Miners' Fed.* v. *Glamorgan Coal Co.*, [1905] A. C. 239, 250. And agency is commonly no defense in a tort action. *Carraher* v. *Allen*, 112 Iowa, 168; *Berghoff* v. *McDonald*, 87 Ind. 549. But the substantial liability here is not tort. Clearly the plaintiff is attempting to turn contract into tort to get increased damages out of the possible injury to his personality. See *Woollcott* v. *Shubert*, 154 N. Y. Supp. 643, 169 App. Div. 194. Should we hold the defendant, acting within the scope of his authority, for the alleged tort, we should also be compelled to hold the principal for the tort of breaking his own contract. This absurd result reveals the soundness of the court's decision. See 1 MECHEM, LAW OF AGENCY, 2 ed., § 1482.

TORTS — JOINT WRONGDOERS — RELEASE OF ONE AS BAR TO ACTION AGAINST ANOTHER. — The plaintiff, an employee of a mining company, was injured in the course of his employment by an explosion caused by a defective fuse supplied by the defendant company. For a reasonable consideration he gave a release to his employer for all claims arising out of the accident. Plaintiff now sues the defendant company alleging that the accident was due solely to its negligence. Defendant sets up the release to the mining company in bar. *Held*, that the plaintiff cannot recover. *Kirkland* v. *Ensign-Bickford Co.*, 267 Fed. 472.

The liability of two or more persons jointly concerned in committing a tort is joint and several. *Matthews* v. *Delaware L. & W. R. Co.*, 56 N. J. L. 34, 27 Atl. 919; *Coleman* v. *Bennett*, 111 Tenn. 705, 69 S. W. 734. See 1 COOLEY, TORTS, 3 ed., 224. By the oft-stated rule the release of one such tort-feasor releases all. *Aldrich* v. *Parnell*, 147 Mass. 409, 18 N. E. 170; *McBribe* v. *Scott*, 132 Mich. 176, 93 N. W. 243. The idea apparently is that the release destroys the obligation itself. See 1 WILLISTON, CONTRACTS, §§ 334, 338 a. It is submitted that the true test should be whether the injured party has had reasonable satisfaction. See *Cleveland* v. *Bangor*, 87 Me. 259, 264, 32 Atl. 892, 894; *Wheat* v. *Carter*, 106 Atl. (N. H.) 602. See also 26 HARV. L. REV. 658. In situations closely analogous to that in discussion this has frequently come to be the test laid down by the courts. Thus the release of one not in fact liable is not generally a bar to action against the tort-feasor unless reasonable satisfaction has been received. *Kentucky & I. B. Co.* v. *Hall*, 125 Ind. 220, 25 N. E. 219; *Thomas* v. *Central R. Co.*, 194 Pa. St. 511, 45 Atl. 344. See *Carpenter* v. *W. H. McElwain Co.*, 78 N. H. 118, 122, 97 Atl. 560, 562. Similarly an unsatisfied judgment against one tort-feasor usually does not prevent the plaintiff from suing the others. *Squire* v. *Ordemann*, 194 N. Y. 394, 87 N. E. 435; *Lovejoy* v. *Murray*, 3 Wall. (U. S.) 1. The principal case, though summarily applying the rule that a release of one joint tort-feasor must be a bar, may be justified under the suggested test of reasonable satisfaction.

TRIAL — PROVINCE OF COURT AND JURY — COERCION OF JURY. — In a criminal prosecution for doing business as a pawnbroker without a license, the

facts were not disputed and proved the guilt of the accused. After failing to agree on a verdict the jury were recalled, and charged by the court that "a failure to bring in a verdict in this case can only arise from a wilful and flagrant disregard of the evidence and the law as I have given it to you and a violation of your obligation as jurors." The court added that while it could not tell them in so many words to find the defendant guilty, what it said amounted to that. *Held*, that the conviction be affirmed. *Horning* v. *Dist. of Columbia*, U. S. Sup. Ct., October Term. 1920, No. 77.

It is well settled in the federal courts that the court cannot direct a verdict of guilty in a criminal trial, even though the facts are not in dispute. *United States* v. *Taylor*, 11 Fed. 470; *Blair* v. *U. S.*, 241 Fed. 217. See 2 THOMPSON, TRIALS, 2 ed., § 2149. The presiding judge may, if he chooses, comment on the evidence. *Rucker* v. *Wheeler*, 127 U. S. 85; *Lovejoy* v. *U. S.*, 128 U. S. 171. But the jury must be left free to accept or reject the opinion of the court. *Konda* v. *U. S.*, 166 Fed. 91; *Oppenheim* v. *U. S.*, 241 Fed. 625; *Allison* v. *U. S.* 160 U. S. 203. The comments of the presiding judge in this case were not directed to the facts, which were not in dispute, but to the refusal of the jury to apply the law. The language was clearly coercive in its nature, and the verdict was not the free decision of the jury. *Cf. Parker* v. *State*, 130 Ark. 234, 197 S. W. 283. The decision of the Supreme Court, therefore, reaches the questionable result of allowing a presiding judge indirectly to compel a verdict of guilty. If the decision is justified on the ground that the prisoner was clearly guilty and the error was purely formal, it seems that a directed verdict on similar facts would likewise be merely formal error and should not be ground of reversal. *Cf. People* v. *Neumann*, 85 Mich. 98, 48 N. W. 290; *People* v. *Neal*, 143 Mich. 271, 106 N. W. 857.

WITNESSES — CORROBORATION OF WITNESSES — ACCOMPLICES — TESTIMONY OF WOMEN TRANSPORTED IN VIOLATION OF THE WHITE SLAVE TRAFFIC ACT. — The defendant aided prostitutes in procuring men and transported the party to another state. He was convicted under the White Slave Traffic Act on the testimony of three women and two men, all members of the party. (36 STAT. AT L. 825; 1916 COMP. STAT., §§ 8812–8819.) The trial judge refused charges as to accomplices' testimony. *Held*, that a new trial be granted. *Freed* v. *United States*, 266 Fed. 1012 (D. C.).

The unsatisfactory character of accomplice testimony has long been recognized. See 1 HALE, PLEAS OF THE CROWN, 305; *Rex* v. *Rudd*, 1 Cowp. 331, 336. And judges early began to discourage convictions on the uncorroborated testimony of accomplices. *Rex* v. *Smith*, 1 Leach, 4 ed., 479. This general principle of practice became a rule of law in many states by a statute requiring corroboration. See 3 WIGMORE, EVIDENCE, § 2056. In these states a refusal so to charge the jury is of course error. *State* v. *Odell*, 8 Ore. 31. But in the absence of a statute, as in the principal case, such a charge rests in the discretion of the trial judge. *Commonwealth* v. *Wilson*, 152 Mass. 12, 25 N. E. 16. See *Caminetti* v. *United States*, 242 U. S. 470, 495. *Contra*, *Ray* v. *State*, 1 G. Greene (Ia.), 316. So a refusal of the charge, even as to the men, who were clearly accomplices, was not error. *Cheatham* v. *State*, 67 Miss. 335, 7 So. 204. See *State* v. *Haney*, 2 Dev. & Bat. (N. C.) 390, 397. But even if such a refusal were error, it should not have been held prejudicial in this case. The men's testimony was adequately corroborated by that of the women. And the women's testimony required no corroboration, because they were not accomplices. *Diggs* v. *United States*, 220 Fed. 545; *Hays* v. *United States*, 231 Fed. 106. A member of that class which a statute is designed to protect is no party to the offense though actively concerned in the violation of the statute. *Queen* v. *Tyrrell*, [1894] 1 Q. B. 710. See *United States* v. *Holte*, 236 U. S. 140, 145, 147; 24 HARV. L. REV. 61. This technical principle has been ex-